

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

KEN PAXTON, in his official capacity as §
Attorney General of Texas, §
DAVID SCHNITZ, TRACY MARTIN §
and FLOICE ALLEN, §
Plaintiffs, §

v. §

Civil Action No. 4:22-cv-00143-P

§
STEVEN M. DETTELBACH, in his §
Official Capacity as Director, Bureau of §
Alcohol, Tobacco, Firearms and Explosives, §
and MERRICK B. GARLAND, in his §
Official Capacity as Attorney General §
of the United States, §
Defendants. §

**PLAINTIFFS' UNOPPOSED MOTION TO REPLACE
THEIR BRIEF IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

Plaintiffs filed a motion for summary judgment on February 6. Dkt. # 46. Plaintiffs also filed a brief in support. Dkt. # 46-1. The brief in support is 59 pages long, but it is 50 pages long exclusive of the table of contents, table of authorities, signature page, and certificate of conference.

However, on February 7, the Court struck the brief in support for being longer than 25 pages. Dkt. #47. After a conversation with Court staff, Plaintiffs understand that the page limit is in fact 50 pages. But nevertheless Plaintiffs erred because Local Rule 56.5(b) states, “[E]xcluding the table of contents and table of authorities, the length of a principal brief must not exceed 50 pages.” If the signature block, and certificate of service is excluded from the page count, Plaintiffs brief in support is 52 pages long.

Plaintiffs have reformatted their brief in support to reduce the space between paragraphs in very long footnote 9, have placed the certificate of service on the same page as the signature

block, and have updated the page numbers in the table of contents and index of authorities. NO other changes have been made. A copy of the re-formatted brief in support is attached to this motion as Exhibit 1.

Plaintiffs respectfully request leave of Court to replace Dkt. 46-1 with the attached brief in support of their motion for summary judgment.

Defendants' counsel is unopposed to the relief requested by this motion to exceed.

Wherefore, Plaintiffs respectfully request the Court grant this motion and replace Dkt. # 46-1, which the Court struck, with the attached brief in support of their motion for summary judgment.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Defendants' counsel via phone on February 7, 2023 on the matter in this motion. Defendants' counsel stated that Defendants are unopposed to the relief sought by this motion.

/s/ Charles K. Eldred
CHARLES K. ELDRED
Special Counsel for Legal Strategy

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2023, a true and correct copy of the foregoing document was served via the Court's electronic filing manager system to all counsel of record.

/s/ Charles K. Eldred
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